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Board of County Commissioners Agenda Request 36

Date of Meeting: 10/14/2003

Date Submitted: 10/8/2003

TO: Honorable Chairman and Members of the Board
FROM: Parwez Alam, County Administrator
Vincent S. Long, Assistant County Administrator
Wayne Tedder, Interim Planning Director
SUBJECT: Board Direction Regarding the Wakulla County Comprehensive Plan Amendment CP-02-05 (N.G. Wade Investment Company)

Statement of Issue

This agenda item seeks Board approval to challenge the Wakulla County Comprehensive Plan Amendment (CP-02-05) in order to address the roadway impacts that could be generated by this Amendment

Background

The Wakulla County Board of County Commissioners adopted a Comprehensive Plan amendment on October 6, 2003 that amended the Wakulla County Comprehensive Plan Future Land Use Map designation on 606 acres of land from the Agriculture and Rural 1 land use categories to the Sustainable Community category. A general location map of the subject property is included as Attachment #1. Though no specific land development proposal has been made, the applicant (for the Comprehensive Plan Amendment) provided a preliminary scenario in order to derive potential impacts associated with the proposed amendment. The scenario includes 1,000 single-family residential dwelling units, 250 multi-family dwelling units, 300,000 square feet of commercial development and 200,000 square feet of business park uses. Access to and from the site will be via Woodville Highway and Commerce Boulevard, which terminates into Old Plank Road. An existing waste water and water treatment plant is proposed to serve to the site, and will require expansion in order to serve the anticipated development intensities and patterns.

On October 5, 2002, Leon County Growth and Environmental Management (GEM) staff forwarded to the Apalachee Regional Planning Council (ARPC) their concerns regarding the amendment. The GEM report indicates that the segment of Woodville Highway between Capital Circle and Oak Ridge Road is so constrained that only 10 more vehicles can be added to the segment (in the peak direction) before mitigation would be required (Attachment #2).

On December 6, 2002, the ARPC issued an "Objections, Recommendations and Comments (ORC) Report" regarding the proposed amendment containing an objection based on traffic impacts in Leon County.

On January 3, 2003, the Florida Department of Community Affairs (DCA) issued an ORC Report citing objections to the proposed amendment including one related to potential traffic impacts. The DCA ORC report also stated that the proposed development had the potential to become a Development of Regional Impact (DRI). This determination would need to be made by the DCA prior to development approval. Pursuant to section 380.04(6)(c), F.S., Leon County may petition DCA (at the time when the development order application is submitted) requiring the developer to obtain a binding letter of interpretation that would state whether or not

the project would be required to undergo DRI review. Per this statute, this petition must contain facts to support a finding that the development, as proposed, is a development of regional impact. If the project is determined to be a DRI, the developer must submit an application to Wakulla County, the ARPC and DCA. The Regional Planning Council would then determine whether or not the application was sufficient, a public hearing would be held and a Development Order issued. Once this Development Order is rendered to DCA, there is a 45-day appeal period.

Analysis

As of yet, the developer has not presented any formal development plans and the total number of residential units being proposed is not known. The population based DRI threshold for Wakulla County is 250 residential units. If the developer submits a plan for 249 residential units, the project will not be subject to DRI review. Additionally, County staff has concerns that the proposed site could be subdivided and developed into smaller tracts without a unified concept plan resulting in multiple, individual plans falling below the DRI threshold. However, if the project is deemed to be a DRI, based on a higher amount of proposed units, then the Regional Planning Council will have opportunity to be involved in the review of the project and will have the ability to provide comments and recommendations based on those provided in turn by Leon County.

The current status of Wakulla County's comprehensive plan amendment is that the adopted amendment is being reviewed by DCA to determine whether or not it is in compliance, as adopted, with applicable state statutes and rules. If the adopted amendment is unchanged from the proposed amendment, and neither an affected person nor DCA raise any objections, the Department has 20 days after receipt to issue a Notice of Intent (NOI) that the amendment is in compliance (Section 163.3184(8)(b), F.S.). In those circumstances when there is an objection to the amendment or the amendment is revised during adoption, DCA has 45 days to publish a NOI with a determination that the adopted amendment is either "in compliance" or "not in compliance" with state law. According to DCA staff, the amendment was revised prior to its adoption by the Wakulla County Commission and subsequent to the issuance of the ORC Report.

As mentioned above, DCA also raised objections to the proposed amendment within the ORC Report. Leon County may submit comments or objections to DCA within this 45-day time period that will be considered during the NOI review.

Once the NOI is issued and if DCA finds the amendment "in compliance" despite previous objections, then Leon County would have 21 days to challenge the amendment as an affected party. If challenged by Leon County, the amendment would be subject to an administrative proceeding pursuant to Section 120.56, F.S. During such proceedings, Leon County could pursue an interlocal agreement with Wakulla County that would provide for compliance with Leon County's concurrency policies and procedures.

If the proposed project does not trigger DRI review, then Leon County's only opportunity to provide commentary is through the current NOI process, both by providing comments to DCA prior to the issuance of the NOI and/or objections after the issuance of the NOI by challenging the finding as an affected party. If the project does trigger DRI review, because of its size, then Leon County will have opportunity to provide commentary on the proposed development at that time through the Regional Planning Council process. At the request of the Leon County, the Regional Planning Council may review and comment upon issues that affect Leon County. However, once the land use change is becomes effective, the developer will have the Comprehensive Plan entitlements to build the project.

If Leon County has concerns that the proposed project will cause traffic impacts that cannot be reasonably mitigated by the developer, regardless of whether or not the project materializes as a DRI, then the County should object to the comprehensive plan amendment as described above. Staff finds that there is potential for significant impacts to the Leon County roadway system. The reason for this objection would be that the necessary road improvements are not programmed currently or within the normal concurrency window. This

objection centers on the ability to provide adequate infrastructure and the timing of the proposed development.

If Leon County does not initiate objections during the Comprehensive Plan amendment process, then the County will lose its opportunity to address roadway impacts consistent with the Leon County concurrency policies and procedures. During the DRI process, Leon County's only course of action would be to comment to the ARPC with no real ability to apply conditions of approval.

While the proposed development of the site could produce both economic and social benefits to Leon County, this amendment serves to increase the allowable densities and intensities on this property and could result in substantial roadway impacts to the Leon County roadway system. Any development that would occur on this parcel would not be subject to the Leon County concurrency policies and procedures, meaning that no mitigation within the Leon County roadway system would be required for impacts from the proposed development.

Staff recommends that the County challenge the Comprehensive Plan amendment with the purpose of obtaining an interlocal agreement with Wakulla County to ensure that any and all development within the 600 acre parcel fully comply with the Leon County concurrency policies and procedures as it results to impacts and mitigation to the Leon County roadway system.

Options

1. Direct Staff to provide objections to the Department of Community Affairs prior to their issuance of the Notice of Intent to find the amendment in
- 2 Challenge the amendment pursuant to Section 120.56, F.S.
3. Seek to obtain an interlocal agreement with Wakulla County to ensure that any development within the 600 acre parcel comply with the Leon County concurrency policies and procedures as it results to impacts and mitigation to the Leon County roadway system. Obtaining such interlocal agreement would terminate the County's challenge to the Comprehensive Plan amendment.
4. Do not challenge the Comprehensive Plan amendment.
5. Board direction.

Recommendation

Options #1, #2 and #3.

Attachments

1. General Location Map
2. December 5, 2002 Brian S. Waterman Memorandum
3. Additional Information

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